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[WFO 142]

PART 1414—POULTRY

POULTRY AND PROCESSED POULTRY

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of poultry and processed poultry for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1414.11 *Restrictions with respect to poultry and processed poultry*—(a) *Definitions*. (1) "Poultry" means live chickens, other than baby chicks not over three weeks old, without regard to the age, weight, or sex of the chickens.

(2) "Poultry area" means (i) the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Indiana, or (ii) any other area which the Director may, from time to time, designate.

(3) "Processed poultry" means poultry killed and bled, dressed, quartered or otherwise cut up, or frozen, but such term "processed poultry" shall, unless otherwise stated, be applicable only to processed poultry produced within a poultry area.

(4) "Process" means to kill, bleed, pluck, or dress, or any combination of such processes.

(5) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(6) "Wholesale receiver" means any person who accepts delivery of processed poultry from one or more authorized processors for the account of such processors or who purchased processed poultry from one or more authorized processors.

(7) "Authorized processor" means any person holding a letter of authority in force and effect issued to him pursuant to the provisions hereof to process poultry in accordance with the provisions of this order.

(8) "Cold storage" means space equipped to be artificially cooled to a temperature of 10 degrees above zero "Fahrenheit," or below, and in which food commodities are customarily stored (but not operated as a part of any established retail food business, hotel, or other establishment where persons are housed or fed, and not including a refrigerator storage compartment, usually called a locker, having a capacity of not more than 15 cubic feet).

(9) "Director" means the Director of Marketing Services, United States Department of Agriculture.

(10) "Order Administrator" means the person designated by the Director to serve as Order Administrator pursuant to the provisions hereof.

(11) "Deputy Order Administrator" means the person designated by the Director to serve as Deputy Order Ad-

ministrator pursuant to the provisions hereof.

(12) "U. S. Army Quartermaster Market Center" means Field Headquarters, Office of Quartermaster General, 222 West Adams Street, Chicago 6, Illinois, or any U. S. Army Quartermaster Market Center.

(b) *Restrictions*. (1) No person shall:

(i) Process poultry located within a poultry area;

(ii) Sell, contract to sell, give, or deliver processed poultry to any other person; or

(iii) Use processed poultry

except as specified herein or as authorized by the Director. Any such authorization shall be issued by the Director only if he determines that such authorization is necessary or appropriate in the public interest and to promote the national defense.

(2) No person shall produce, during the effective time hereof, more than 1000 pounds, in the aggregate, of processed poultry: *Provided*, That the foregoing restriction shall not be applicable to (i) a person who produced more than 1000 pounds of processed poultry during the calendar year 1944, or (ii) an authorized processor.

(3) No person, other than an authorized processor, shall, during any calendar week, produce a total quantity of processed poultry in excess of the number of pounds of processed poultry specified for such calendar week by the Director; and each such person, as aforesaid, who produces, in the aggregate, no more processed poultry during such calendar week than such number of pounds may process such poultry and dispose of and use such processed poultry free from the restrictions hereof.

(4) Each authorized processor shall process poultry located within a poultry area only in accordance with the specifications approved by the U. S. Army Veterinary Corps; and each such authorized processor shall pack such processed poultry which he sells, contracts to sell, or delivers to the U. S. Army Quartermaster Market Center, only in accordance with the specifications of such Quartermaster Market Center. Specifications with reference to the processing of poultry and the grading and packing of processed poultry, and instructions relative to any of the foregoing shall, upon request, be provided by the U. S. Quartermaster Market Center.

(5) Before any authorized processor sells, contracts to sell, gives, delivers, uses, or otherwise disposes of processed poultry, the respective processor shall sell, contract to sell, or deliver to the U. S. Army Quartermaster Market Center a quantity of processed poultry, irrespective of where produced, equal at least to such percentage, by net weight, of the total quantity of processed poultry produced after the effective time hereof by such processor, as the Director may specify. Processed poultry used or

disposed of pursuant to the provisions of this paragraph (b) (5) and each person acquiring or using such processed poultry shall thereafter be free from the provisions in (b) hereof with respect to such processed poultry.

(6) Notwithstanding the provisions of (b) (5) hereof, any authorized processor may deliver processed poultry, produced by such authorized processor, either to cold storage or to a wholesale receiver before such authorized processor sells, contracts to sell, or delivers any quantity of such processed poultry to the U. S. Army Quartermaster Market Center.

(7) Notwithstanding the provisions of (b) (5) and (b) (6) hereof, any authorized processor may sell and deliver processed poultry, produced by such authorized processor, to a wholesale receiver. Each such sale and delivery of processed poultry shall be accompanied by a signed certificate, in triplicate, with the appropriate information in the blank spaces in substantially the following language:

This is to certify that ----- pounds of processed poultry sold to -----
(Name of -----, and delivered to
wholesale receiver)

-----, are subject
(Address)
to the provisions of War Food Order No. 142. You are required, pursuant to said war food order, to set aside and hold such processed poultry until the U. S. Army Quartermaster Market Center has purchased at least ----- pounds of processed poultry selected from the aforesaid processed poultry or from other processed poultry, irrespective of where produced, owned by you.

(Date)

(Signature of authorized processor)

This will acknowledge receipt, on-----, 194--, and subject to the provisions of War Food Order No. 142, of the above ----- pounds of processed poultry. I agree to set aside and hold such processed poultry until the U. S. Army Quartermaster Market Center purchases from me the aforesaid requisite quantity of processed poultry.

(Signature of wholesale receiver)
Each such certification made shall be deemed to be a representation to an agency of the United States. Each such authorized processor who sells and delivers processed poultry, as aforesaid, to a wholesale receiver, shall specify in such certificate the minimum number of pounds of processed poultry, irrespective of where produced, for purchase by the U. S. Army Quartermaster Market Center pursuant to (b) (3) hereof, and such minimum quantity shall be the number of pounds of processed poultry equal to (i) that contained in such sale and delivery, or (ii) the minimum quantity of processed poultry which such authorized processor is required, pursuant to (b) (5) hereof, to sell, contract to sell, or deliver to the U. S. Army Quartermaster Market Center, whichever is the lesser. The aforesaid certificate, in triplicate,

shall also be signed by the wholesale receiver purchasing such processed poultry; and such person shall return one copy to the authorized processor, shall mail one copy to Chief, Poultry Section, Field Headquarters, Office of Quartermaster General, 222 West Adams Street, Chicago 6, Illinois, and shall retain one copy for two years. Upon receipt by the aforesaid authorized processor of the aforesaid required certificate signed by the parties described therein, such authorized processor shall be deemed to have sold to the U. S. Army Quartermaster Market Center, pursuant to (b) (5) hereof, a quantity of processed poultry equal to the minimum quantity of processed poultry specified, in such certificate, for purchase by the U. S. Army Quartermaster Market Center.

(8) Each wholesale receiver who purchases processed poultry, sold and delivered pursuant to (b) (7) hereof, shall set aside and hold such processed poultry until the U. S. Army Quartermaster Market Center has purchased a quantity of processed poultry, selected from such processed poultry or from other processed poultry, irrespective of where produced, owned by such wholesaler receiver, equal at least to that specified, in the certificate accompanying such processed poultry, for purchase by the U. S. Army Quartermaster Market Center.

(9) Each owner or operator of cold storage shall, upon the request of the U. S. Army Quartermaster Market Center or the U. S. Army Veterinary Corps, make any processed poultry in such cold storage available for inspection.

(10) In the event of the suspension or termination of the provisions of (b) (1) to (b) (9) hereof, all processed poultry required to be sold, contracted for sale, or delivered to the U. S. Army Quartermaster Market Center or required to be set aside and held pursuant to such provisions at the time of any suspension or termination hereof shall thereafter be held as set-aside processed poultry, and may be sold or otherwise disposed of or used only in accordance with the provisions of (b) (4), (5), (6), (7), and (8) hereof, and shall continue to be subject to the provisions in (b) (9) hereof.

(11) No person shall ship or deliver poultry to a point more than 100 miles from the farm on which such poultry was produced within the poultry area, unless the person making the delivery or shipment of such poultry holds a letter of authority from the Deputy Order Administrator permitting such shipment or delivery in excess of 100 miles. A permit to deliver or ship poultry more than 100 miles from the farm on which such poultry is produced within the poultry area may be issued by the Deputy Order Administrator in the event the applicant (i) is an authorized processor or (ii) represents that the poultry has been or will be sold to an authorized processor, and will be delivered only to such authorized processor. Any poultry shipped or delivered pursuant to a letter of authority, issued under (b) (11) hereof by the Deputy Order Administrator, may be shipped or delivered only to an authorized processor.

(c) *Authorizations.* Any person who desires to process poultry as an authorized processor may file with the Deputy Order Administrator, 5 South Wabash Avenue, Chicago 3, Illinois, a separate application, by letter or by telegram followed by a letter of confirmation, for each plant in which the applicant desires to process poultry pursuant hereto. The application shall contain (1) a statement that the applicant has read War Food Order No. 142, (2) a statement of the location of each plant where the applicant is to process poultry pursuant to the provisions hereof, (3) a representation that all poultry will be processed, and all processed poultry will be sold, otherwise handled or disposed of, or used only in accordance with the provisions of War Food Order No. 142, (4) a statement that the plant in which poultry is to be processed pursuant hereto is approved by the U. S. Army Veterinary Corps, and (5) a statement of the number of buying stations and the number of trucks which will be used in the procurement of poultry for processing in the plant for which authorization is sought. Thereupon the Director may issue a letter of authorization, for such period of time as may be specified therein, to process poultry in the plant specified in said letter if the Director determines that the issuance of such authorization is appropriate to effectuate the provisions hereof.

(d) *Contracts.* The restrictions of this order shall be observed without regard to contracts, oral or written, heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

(e) *Records and reports.* (1) Each authorized poultry processor shall keep accurate records with respect to the production and disposition of processed poultry produced by him.

(2) Each authorized processor shall, for each calendar week, and for each plant in which such processor produces processed poultry, mail to the Deputy Order Administrator, WFO 142, 5 South Wabash Avenue, Chicago 3, Illinois, a correctly completed report on Form FDO 142-1. Each such report shall be mailed within three calendar days following each such calendar week.

(3) The Director shall be entitled to obtain such additional information from and require such additional reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in poultry and processed poultry, respectively.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of poultry and processed poultry, and to make such investigations as may be necessary or appropriate, in the Director's discre-

tion, to the enforcement or administration of this order.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, WFO 142, United States Department of Agriculture, Dairy and Poultry Branch, Office of Marketing Services, Washington 25, D. C. Petitions for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (g) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using poultry or processed poultry. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* (1) Whenever the Director determines that it is necessary or appropriate in the public interest and to promote the national defense, he may (i) increase the poultry area by designating new and additional areas to be included in the poultry area, (ii) decrease the poultry area by deleting therefrom any State or States, or portions thereof, and (iii) designate new poultry areas.

(2) The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as Order Administrator, and such other employees as may be necessary shall be designated to serve as Deputy Order Administrators.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Order Administrator.

War Food Order No. 142, Dairy and Poultry Branch, Office of Marketing Services, United States Department of Agriculture, Washington 25, D. C.

(k) *Provisions of certain orders not applicable.* The provisions hereof shall not be construed or interpreted as a modification or termination of War Food Order No. 119 (9 F.R. 14269), as amended (10 F.R. 6, 103), or War Food Order No. 125 (10 F.R. 1662), as amended (10 F.R. 1854, 2953, 3175, 4972). All persons shall comply with the provisions of War Food Order No. 119, as amended, and War Food Order No. 125, as amended, the effective provisions of which shall prevail over the provisions hereof.

(1) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 13, 1945.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O.

9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 31st day of July 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[WFO 142-1]

PART 1414—POULTRY

PROCESSED POULTRY

Pursuant to the authority vested in me by War Food Order No. 142, *supra*, and to effectuate the purposes thereof, it is hereby ordered:

§ 1414.12 *Maximum amount of processed poultry which may be produced; and minimum percentage of processed poultry for sale and delivery to the U. S. Army Quartermaster Market Center—*

(a) *Definitions.* (1) "WFO 142" means War Food Order No. 142, *supra*, issued by the Secretary of Agriculture on July 31, 1945.

(2) Each term defined in WFO 142-1 shall, when used herein, have the same meaning as set forth for the respective term in WFO 142.

(b) *Specification relative to the maximum amount of processed poultry which may be produced during any calendar*

week. No person, other than an authorized processor, may, during any calendar week, produce a total quantity of processed poultry in excess of 20,000 pounds.

(c) *Specification relative to the minimum percentage of processed poultry for sale and delivery to the U. S. Army Quartermaster Market Center.* Before any authorized processor sells, contracts to sell, gives, delivers, uses, or otherwise disposes of processed poultry, the respective processor shall sell, contract to sell, or deliver to the U. S. Army Quartermaster Market Center a quantity of processed poultry equal at least to 50 percent, by net weight, of the total quantity of processed poultry produced by such authorized processor after the effective time hereof.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 13, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 142, *supra*)

Issued this 31st day of July 1945.

C. W. KITCHEN,
Director of Marketing Services.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF MARKETING SERVICES
WASHINGTON 25, D. C.

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